

PROB 12B
(7/93)UNITED STATES DISTRICT COURT **FILED**

for

FEB 11 2011

WESTERN DISTRICT OF TEXASCLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY CLERK**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender***(Probation Form 49, Waiver of Hearing is Attached)*Name of Offender: Derek Levon Lowe Case Number: SA-07-CR-601(4)Name of Sentencing Judicial Officer: Honorable Royal Furgeson, United States District Judge. Reassigned to the
Honorable Xavier Rodriguez.Date of Original Sentence: April 30, 2008Original Offense: 18 USC § 1344 & 18 USC 2: Bank fraud, aiding and abettingOriginal Sentence: Fifteen (15) months imprisonment, three (3) years supervised release and \$100 special
assessmentType of Supervision: Supervised release Date Supervision Commenced: July 23, 2010**PETITIONING THE COURT**

- ☐ To extend the term of supervision _____ years, for a total term of _____ years.
- ☒ To modify the conditions of supervision as follows:

See attached probation form 49 for special conditions to be imposed

"If the defendant is unable to pay the restitution immediately, the defendant shall pay the entire amount of the restitution at the rate of no less than \$50 per month, due by the last day of each month beginning February 2011. The Court imposed payment schedule shall not prevent statutorily authorized collection efforts by the U.S. Attorney. The defendant shall cooperate fully with the U.S. Attorney and the U.S. Probation Office to make payment in full as soon as possible."

PROB 12B
(7/93)

CAUSE

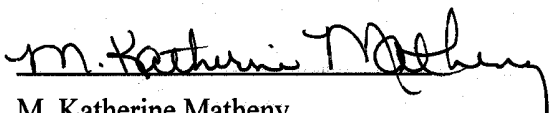
On September 14, 2010, the Court ordered the offender to pay a \$100 monthly restitution payment. This was based on an examination of his income and living expenses. However, there has been a recent change in the area of employment and it is not perceived the offender will be able to adhere to that payment schedule.

Based on the offender's current net income of \$750.00 monthly and an estimate of his necessary monthly living expenses and other liabilities, a monthly restitution payment of \$50 is appropriate at this time. The offender's payment schedule will be re-evaluated as needed and/or upon any changes in his monthly income.

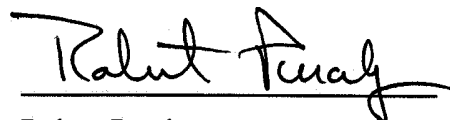
Assistant U.S. Attorney, Mike Hardy, concurs

Approved:

Respectfully submitted,



M. Katherine Matheny
Supervising U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 344



Robert Perez
Senior U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 314
Date: February 11, 2011

RPZ

cc: Mike Hardy
Assistant U.S. Attorney

Victor Casillas
Assistant Deputy Chief Probation Officer

THE COURT ORDERS:

- ☐ No action.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above.
- ☐ Other



Xavier Rodriguez
U.S. District Judge

2/11/11

Date

PROB 49
(3/89)

UNITED STATES DISTRICT COURT
Western District of Texas

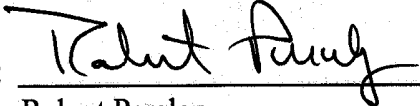
**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Terms of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.


I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

If the defendant is unable to pay the restitution immediately, the defendant shall pay the entire amount of the restitution at the rate of no less than \$50 per month, due by the last day of each month beginning February 2011. The Court imposed payment schedule shall not prevent statutorily authorized collection efforts by the U.S. Attorney. The defendant shall cooperate fully with the U.S. Attorney and the U.S. Probation Office to make payment in full as soon as possible.

Witness:


Robert Peralez
Senior U.S. Probation Officer

Signed:


Derek Levon Lowe

February 10, 2011

Date